

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's non-final Office Action dated June 25, 2009, following the Panel Decision reopening prosecution dated April 20, 2009. Applicants again thank the Examiner for indicating that Claims 8, 12, 29, and 32 are allowable but for depending from a rejected claim. Claim 1 has been amended herein. Claims 35-38 are new. No claims have been canceled herein. Accordingly, Claims 1-3, 6-14, 16-26, and 28-38 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claim Objections

Claims 1-3 and 6-14 are objected to as being directed to non-statutory subject matter. Claim 1 has been amended to recite a computer-implemented method. Accordingly, the objection to Claims 1-3 and 6-14 should be withdrawn.

Claim Rejections under 35 U.S.C. §101

Claims 16-25 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse the rejection of Claims 16-25, as these Claims recite an apparatus, which is patentable subject matter per se. Claim 16 recites a means for receiving a work request and a means for allocating the work request to a service location. Claim 20 recites a plurality of service locations. Applicants submit that one of skill in the art would understand these claims to be tied to statutory subject matter. Accordingly, the rejection of Claims 16-25 should be withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-3, 6-7, 13, 16-17, 20, 25-26, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,748,414 to Bournas ("Bournas") in view of Microsoft Computer Dictionary, 5th Edition, 2002 ("Computer Dictionary"). Applicants respectfully traverse these rejections based on the following.

Bournas is directed to a method and apparatus in a distributed data processing system for handling requests. *See* Bournas, col. 2, lns. 12-18. However, Bournas nowhere discloses a system or method in which a probability of servicing a work request within a target time is calculated for each of a plurality of service locations by calculating a number of opportunities to service the work request within the target time by each service location included in the plurality of service locations as generally claimed. Rather, the cited portion of Bournas teaches measuring an arrival time and a service time to compute a service rate. The service rate, however, merely represents a measured quantity rather than a performance goal as contemplated by certain embodiments of the present invention. Accordingly, Bournas teaches

away from embodiments of the present invention by teaching merely selecting a service location based on the smallest work load. *See Bournas, Fig. 6, element 622; col. 7, Ins. 26-30.*

Neither does the Computer Dictionary teach or suggest a system or method in which a probability of servicing a work request within a target time is calculated for each of a plurality of service locations by calculating a number of opportunities to service the work request within the target time. More specifically, although the Computer Dictionary discloses an absolute probability of a single event occurring, it fails to disclose comparing a plurality of estimated relative probabilities, or determining estimated probabilities based on a relative probability that a work request will be serviced in a target time.

Claims 14, 18, and 21-24 are rejected as unpatentable over Bournas in view of Applicants' Admitted Prior Art ("Admitted Prior Art"). Applicants note that the Admitted Prior Art does not overcome the shortcomings of Bournas as described above. The Admitted Prior Art nowhere teaches or suggests a system or method in which a probability of servicing a work request within a target time is calculated for each of a plurality of service locations by calculating a number of opportunities to service the work request within the target time.

Claims 9-11, 19, 30-31, and 33-34 are rejected as unpatentable over Bournas in view of U.S. Patent No. 5,506,898 to Costantini et al. ("Costantini"). Costantini is directed to calculating waiting time associated with an item in a queue. *See Costantini, col. 2, Ins. 10-20.* However, Costantini does not disclose the aspects lacking in Bournas identified above. More particularly, Costantini fails to teach or suggest a system or method in which a probability of servicing a work request within a target time is calculated for each of a plurality of service locations by calculating a number of opportunities to service the work request within the target time.

In addition to depending from allowable claims, dependent Claims 2, 3, 6-14, 17-19, 21-25, and 28-38 all recite patentable subject matter. By way of illustration, Claim 2 teaches selecting a first service location having a sufficient determined probability of servicing said work request with said target time. Bournas, however, merely teaches distributing a work request to a server with the smallest work load. *See Bournas, col. 7, Ins. 25-30.* Accordingly, the reconsideration and withdrawal of the rejections of Claims 1-3, 6-14, 16-26, and 28-38 are respectfully requested.

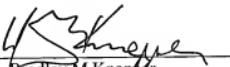
Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: August 24, 2009

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